

Order

**Michigan Supreme Court
Lansing, Michigan**

October 16, 2009

Marilyn Kelly,
Chief Justice

139015

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

LIGHTHOUSE PLACE DEVELOPMENT, LLC,
Plaintiff/Counter-Defendant-
Appellee,

v

SC: 139015
COA: 280863
Berrien CC: 05-003263-CH

MOORINGS ASSOCIATION, d/b/a/
MOORINGS CONDOMINIUM ASSOCIATION,
Defendant/Counter-Plaintiff/Third-
Party-Plaintiff-Appellant,

v

HARBOR GRAND, LLC and LIGHT HARBOR
MOORINGS CONDOMINIUM ASSOCIATION,
Third-Party-Defendants,

and

LIGHT HARBOR MOORINGS CONDOMINIUM
ASSOCIATION,
Cross-Plaintiff,

v

HARBOR GRAND, LLC,
Cross-Defendant.

On order of the Court, the application for leave to appeal the April 28, 2009 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the slander of title issue. The parties shall include among the issues to be briefed: (1) whether the trial court clearly erred in rejecting the defendant's assertion that it acted on advice of counsel in authorizing the recording of a 2005 amendment to a 1997 agreement with Harbor Grand, LLC, which 2005 amendment purported to remove from a list of easements to be terminated by the 1997 agreement a parking easement provided to the

Moorings in a 1985 agreement between the defendant and New Buffalo Harbor, Inc; and (2) whether, if the defendant acted on advice of counsel in recording the 2005 amendment, a finding of malice is precluded, requiring the dismissal of the plaintiff's slander of title claim against the defendant.



s1013

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 16, 2009

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk